

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANTOINE BROWN,

Plaintiff,

-against-

PATRICK CHILTON, in his individual capacity, (FNNK)
BRETON, in his individual capacity, and THE CITY OF NEW
YORK,,

Defendants.
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**STIPULATION AND
ORDER OF
SETTLEMENT OF
ATTORNEY'S FEES**

12-CV-3483 (MKB) (RER)

WHEREAS, plaintiff commenced this action by filing a complaint on or about July 13, 2012, alleging that the defendants violated plaintiff's federal civil and state common law rights;

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, on November 18, 2013, plaintiff accepted an Offer of Judgment served by defendants pursuant to Fed. R. Civ. P. 68 on November 14, 2013; and

WHEREAS, plaintiff's claims were thereafter resolved pursuant to the Stipulation of Settlement executed on December 6, 2013; and

WHEREAS, pursuant to the December 6, 2013 Stipulation of Settlement, plaintiff assigned his rights to attorneys' fees, expenses, and costs to his attorney, Lebow & Associates, PLLC; and

WHEREAS, counsel for defendants, and counsel for plaintiff now desire to resolve the issue of attorney's fees, costs and expenses, without further proceedings; and

WHEREAS, this Stipulation and Order of Settlement of Attorney's Fees ("Stipulation") shall not be construed to be an admission of liability by any defendants, nor an

admission that any of the allegations made by plaintiff are true or that defendants in any way violated any rights guaranteed to plaintiff by any constitutions, statutes, ordinances, rules or regulations of the United States, the States of New York, or any subdivision thereof; and

WHEREAS, this Stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations, and nothing contained herein shall be deemed to constitute a policy or practice of the City of New York;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the respective parties to the above-captioned action, as follows:

1. Defendant City of New York shall pay to plaintiff's counsel, Lebow & Associates, PLLC, the sum total of SIXTY THOUSAND (\$60,000.00) in full satisfaction of plaintiff's attorney's fees, expenses and costs. In consideration for the payment of this sum, plaintiff's counsel does hereby release and discharge the defendants, their successors or assigns; and all past and present officials, employees, representatives and agents of the City of New York or any entity represented by the Office of the Corporation Counsel, from any and all claims of attorneys' fees, expenses and costs relating to this matter.

Dated: New York, New York

Dec 6, 2013

LEBOW & ASSOCIATES, PLLC
Attorney for Plaintiff
570 Lexington Avenue, 16th Floor
New York, NY 10022
(212) 868-3311

By:

James B. LeBow

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street, Rm. 3-176
New York, New York 10007

By:

Patrick Beath
Assistant Corporation Counsel

SO ORDERED:
S/ MKB 12/11/2013

MARGO K. BRODIE
United States District Judge